

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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SERIAL NO.: 10/535,713 ART UNIT: 3643

FILED: February 2, 2006 EXAMINER: Hayes, K.C.

TITLE: METHOD AND APPARATUS FOR DETECTING MASTITIS

Amendment C: REMARKS

Upon entry of the present amendments, Claim 21-29 remain pending. Claims 1 - 20 were previously canceled. Claims 21-23, 26 and 29 have been amended. Reconsideration of the rejections, in light of the forgoing amendments and present remarks, is respectfully requested. The present amendments have been entered for the purpose of placing the claim language into a condition for allowance.

In the Office Action, Claims 21, 25, and 29 were rejected under 35 U.S.C. § 102(b) as anticipated by the Kolehmainen patent. Claims 22-24 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the Kolehmainen patent in view of the Knight European patent. Claims 26-28 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the Kolehmainen patent in view of the Aerojet British patent. The claims were also rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement.

As an overview to the present reply, Applicant has removed the subject matter rejected under 35 U.S.C. §112, first paragraph. The original language is re-presented, and alternate claim language has been proposed. Claims 21-23, 26 and 29 have been amended to address the formalities and substantive rejections by the Examiner.

Claim 21 has been amended to delete "extracellular", while further describing the "substance

produced by cells". Originally, "extracellular" was introduced to differentiate from the prior art Kolehmainen reference, which relies upon a reaction with busted cell contents. The "substance produced by cells" is further defined by timing of the production, which is not disclosed by the prior art. Corresponding amendments have been made in Claims 22, 23, 26, and 29 to reflect the further description of the substance. Such terminology is more accurate and distinguishes from the prior art incubation period.

Furthermore, the step of introducing is more particularly claimed according to Paragraphs [0065]-[0066] of the specification. Claims 21 and 29 have been amended to recite the "milk line" of the invention. The sequencing of inlet ports, reaction, and expelling is not disclosed by the prior art combinations because the liquid samples are removed from the flow of milk. As discussed in the Interview of 12 March 2009, the innovation of the present invention is the in situ sequence, which cannot be achieved by the prior art or prior art combinations. This inventive aspect of in-line processing is now recited in the claims.

Claims 21 and 29 have been further amended to clarify the step of immediately activating a light detector to measure the light produced from the reaction. The immediacy of the sequence is now recited, and the step of activating a detector is more accurate.

Independent Claims 21 and 29 now recite the proper description of the invention. These independent Claims distinguish the present invention from the prior art by specifying the differences in sequence and content, including relative time context of the reaction and physical relationships between parts of the system performing the process. The chemical reaction measured is not between the same reactants of the prior art by timing, location, and sequence. Such differences are significant inventive features that enable benefits and advantages in continuous milk processing that cannot be

realized by the prior art. There is innovation and efficacy of the present invention.

Dependent Claims 22 - 28 corresponds to the limitations of previous dependent Claims 2 - 8. If Claim 29 is allowed, then Applicant will add corresponding dependent claims. None of the these new claims would be above the amount already paid for.

Based upon the foregoing analysis, Applicant contends that independent Claims 21 and 29 are now in proper condition for allowance. Additionally, those claims which are dependent upon the independent claims should also be in condition for allowance. Reconsideration of the rejections and allowance of the claims at an early date is earnestly solicited. Since no new claims have been added above those originally paid for, no additional fee is required.

Respectfully submitted,

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